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AN ACT

RELATING TO THE NEW MEXICO MEDICAL BOARD; PERMITTING THE NEW MEXICO MEDICAL BOARD TO WAIVE LICENSURE FEES TO RECRUIT AND RETAIN MEDICAL DOCTORS FOR PRACTICE IN THE STATE; EXTENDING THE SUNSET FOR THE NEW MEXICO MEDICAL BOARD AND THE MEDICAL PRACTICE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-6-5 NMSA 1978 (being Laws 1973, Chapter 361, Section 2, as amended) is amended to read:

"61-6-5. DUTIES AND POWERS.--The board shall:

A. enforce and administer the provisions of the Medical Practice Act, the Physician Assistant Act, the Anesthesiologist Assistants Act and the Impaired Health Care Provider Act;

B. adopt, publish and file, in accordance with the Uniform Licensing Act and the State Rules Act, all rules for the implementation and enforcement of the provisions of the Medical Practice Act, the Physician Assistant Act, the Anesthesiologist Assistants Act and the Impaired Health Care Provider Act;

C. adopt and use a seal;

D. administer oaths to all applicants, witnesses and others appearing before the board, as appropriate;

E. take testimony on matters within the board's

1 jurisdiction;

2 F. keep an accurate record of all its meetings,
3 receipts and disbursements;

4 G. maintain records in which the name, address and
5 license number of all licensees shall be recorded, together
6 with a record of all license renewals, suspensions,
7 revocations, probations, stipulations, censures, reprimands
8 and fines;

9 H. grant, deny, review, suspend and revoke
10 licenses to practice medicine and censure, reprimand, fine
11 and place on probation and stipulation licensees and
12 applicants in accordance with the Uniform Licensing Act for
13 any cause stated in the Medical Practice Act and the Impaired
14 Health Care Provider Act;

15 I. hire staff and administrators as necessary to
16 carry out the provisions of the Medical Practice Act;

17 J. have the authority to hire or contract with
18 investigators to investigate possible violations of the
19 Medical Practice Act;

20 K. have the authority to hire a competent attorney
21 to give advice and counsel in regard to any matter connected
22 with the duties of the board, to represent the board in any
23 legal proceedings and to aid in the enforcement of the laws
24 in relation to the medical profession and to fix the
25 compensation to be paid to such attorney; provided, however,

1 that such attorney shall be compensated from the funds of the
2 board;

3 L. establish continuing medical education
4 requirements for licensed physicians and continuing education
5 requirements for physician assistants;

6 M. establish committees as it deems necessary for
7 carrying on its business;

8 N. hire or contract with a licensed physician to
9 serve as medical director and fulfill specified duties of the
10 secretary-treasurer;

11 O. establish and maintain rules related to the
12 management of pain based on review of national standards for
13 pain management; and

14 P. have the authority to waive licensure fees for
15 the purpose of medical doctor recruitment and retention."

16 Section 2. Section 61-6-31 NMSA 1978 (being Laws 1989,
17 Chapter 269, Section 27, as amended) is amended to read:

18 "61-6-31. DISPOSITION OF FUNDS--NEW MEXICO MEDICAL
19 BOARD FUND CREATED--METHOD OF PAYMENTS.--

20 A. There is created the "New Mexico medical board
21 fund".

22 B. All funds received by the board and money
23 collected under the Medical Practice Act, the Physician
24 Assistant Act, the Anesthesiologist Assistants Act and the
25 Impaired Health Care Provider Act shall be deposited with the

1 state treasurer who shall place the same to the credit of the
2 New Mexico medical board fund.

3 C. All payments out of the fund shall be made on
4 vouchers issued and signed by the secretary-treasurer of the
5 board or the designee of the secretary-treasurer upon
6 warrants drawn by the department of finance and
7 administration in accordance with the budget approved by that
8 department.

9 D. All amounts in the New Mexico medical board
10 fund shall be subject to the order of the board and shall be
11 used only for the purpose of meeting necessary expenses
12 incurred in:

13 (1) the performance of the provisions of the
14 Medical Practice Act, the Physician Assistant Act, the
15 Anesthesiologist Assistants Act and the Impaired Health Care
16 Provider Act and the duties and powers imposed by those acts;

17 (2) the promotion of medical education and
18 standards in this state within the budgetary limits; and

19 (3) efforts to recruit and retain medical
20 doctors for practice in New Mexico.

21 E. All funds that may have accumulated to the
22 credit of the board under any previous law shall be
23 transferred to the New Mexico medical board fund and shall
24 continue to be available for use by the board in accordance
25 with the provisions of the Medical Practice Act, the

1 Physician Assistant Act, the Anesthesiologist Assistants Act
2 and the Impaired Health Care Provider Act. All money unused
3 at the end of the fiscal year shall not revert, but shall
4 remain in the fund for use in accordance with the provisions
5 of the Medical Practice Act, the Physician Assistant Act, the
6 Anesthesiologist Assistants Act and the Impaired Health Care
7 Provider Act."

8 Section 3. Section 61-6-35 NMSA 1978 (being Laws 1979,
9 Chapter 40, Section 2, as amended) is amended to read:

10 "61-6-35. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--
11 The New Mexico medical board is terminated on July 1, 2015
12 pursuant to the Sunset Act. The board shall continue to
13 operate according to the provisions of the Medical Practice
14 Act until July 1, 2016. Effective July 1, 2016, the Medical
15 Practice Act is repealed." _____

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